

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 245 be amended to read as follows:

- 1 Page 1, delete lines 1 through 15.
- 2 Delete page 2.
- 3 Page 3, delete lines 1 through 3, begin a new paragraph and insert:
- 4 "SECTION 1. IC 8-1-1.1-5.5 IS ADDED TO THE INDIANA
- 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 2009]: Sec. 5.5. (a) After June 30, 2009, the
- 7 counselor shall have jurisdiction over the following:
- 8 (1) All duties and responsibilities exercised by the
- 9 commission's consumer protection division before July 1,
- 10 2009, with respect to telecommunications providers.
- 11 (2) The responsibilities of the commission under IC 8-1-2.9 to:
- 12 (A) approve a telecommunications provider's petition to
- 13 provide caller ID service; and
- 14 (B) approve either per-call or per-line blocking of caller ID
- 15 service for law enforcement and crisis intervention
- 16 agencies;
- 17 before July 1, 2009.
- 18 (b) As necessary to fulfill its duties under this section with
- 19 respect to telecommunications providers, the counselor may
- 20 exercise any power available to commission under IC 8-1-2 with
- 21 respect to public utilities, including the power to investigate a
- 22 complaint filed by a consumer against a telecommunications
- 23 provider."
- 24 Page 16, between lines 3 and 4, begin a new paragraph and insert:
- 25 "(h) After June 30, 2009, a provider that offers basic
- 26 telecommunications service in Indiana must offer a flat monthly
- 27 rate with unlimited local calling for basic telecommunications
- 28 service in each local exchange area in Indiana in which the
- 29 provider offers basic telecommunications service."
- 30 Page 22, line 17, "chapter:" and insert "chapter, except as
- 31 otherwise provided in this subsection:".

- 1 Page 23, line 6, delete "Perform," and insert **"After June 30, 2009,**
- 2 **perform"**.
- 3 Page 23, line 17, delete "Require" and insert **"After June 30, 2009,**
- 4 **require"**.
- 5 Page 24, between lines 19 and 20, begin a new line block indented
- 6 and insert:
- 7 **"(11) Establish and administer the Indiana Lifeline assistance**
- 8 **program under IC 8-1-36."**.
- 9 Page 24, line 21, delete "division of consumer protection of the" and
- 10 insert **"office of utility consumer counselor created by**
- 11 **IC 8-1-1.1-2,"**.
- 12 Page 24, delete line 22.
- 13 Page 24, line 23, delete "the division's authority under IC 4-6-9,".
- 14 Page 24, line 27, delete "involving the investigation and" and insert
- 15 **"with respect to telecommunications providers."**.
- 16 Page 24, delete lines 28 through 29.
- 17 Page 24, delete lines 36 through 38.
- 18 Page 31, line 21, after "chapter," insert **"office" refers to the office**
- 19 **of utility consumer counselor created by IC 8-1-1.1-2."**.
- 20 Page 31, delete lines 22 through 23.
- 21 Page 32, line 5, delete "division;" and insert **"office;"**.
- 22 Page 32, line 7, delete "division." and insert **"office."**.
- 23 Page 32, line 14, delete "division" and insert **"office"**.
- 24 Page 32, delete lines 15 through 42.
- 25 Page 33, delete lines 1 through 15.
- 26 Page 60, line 20, delete "division of consumer protection of the
- 27 office of the" and insert **"office of utility consumer counselor created**
- 28 **by IC 8-1-1.1-2."**.
- 29 Page 60, delete line 21.
- 30 Page 61, line 8, delete "division of consumer protection of the office
- 31 of the" and insert **"office of utility consumer counselor created by**
- 32 **IC 8-1-1.1-2."**.
- 33 Page 61, delete line 9.
- 34 Page 64, delete lines 34 through 36.
- 35 Page 64, line 37, delete "Sec. 5. As used in this section," and insert
- 36 **"Sec. 4. As used in this chapter,"**.
- 37 Page 65, between lines 2 and 3, begin a new paragraph and insert:
- 38 **"Sec. 5. As used in this chapter, "office" refers to the office of**
- 39 **utility consumer counselor created by IC 8-1-1.1-2."**.
- 40 Page 65, line 8, delete "A" and insert **"After March 27, 2006, a"**.
- 41 Page 65, line 28, delete "void." and insert **"void if the contract,**
- 42 **agreement, or arrangement is entered into after March 27, 2006.**
- 43 **However, a contract, an agreement, or any other arrangement that**
- 44 **otherwise violates this section remains in effect until such time as**
- 45 **it would normally terminate or expire if the contract, agreement,**
- 46 **or arrangement is entered into before March 28, 2006."**.
- 47 Page 66, line 18, delete "division;" and insert **"office;"**.

- 1 Page 66, line 19, delete "division" and insert **"office"**.
- 2 Page 66, line 23, delete "division." and insert **"office."**.
- 3 Page 66, line 30, delete "division" and insert **"office"**.
- 4 Page 90, between lines 6 and 7, begin a new paragraph and insert:
- 5 "SECTION 59. IC 8-1-36 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 7 UPON PASSAGE]:
- 8 **Chapter 36. Indiana Lifeline Assistance Program**
- 9 **Sec. 1. This chapter applies to an incumbent local exchange**
- 10 **carrier that offers basic telecommunications service in one (1) or**
- 11 **more exchange areas in Indiana.**
- 12 **Sec. 2. Except as otherwise provided in this chapter, the**
- 13 **definitions in IC 8-1-2.6 apply throughout this chapter.**
- 14 **Sec. 3. As used in this chapter, "commission" refers to the**
- 15 **Indiana utility regulatory commission created by IC 8-1-1-2.**
- 16 **Sec. 4. As used in this chapter, "customer" refers to a residential**
- 17 **customer that receives basic telecommunications service from an**
- 18 **incumbent local exchange carrier.**
- 19 **Sec. 5. As used in this chapter, "eligible customer" refers to a**
- 20 **customer who:**
- 21 **(1) is not a qualifying low-income consumer (as defined in 47**
- 22 **CFR 54.400(a)) under the federal Lifeline program; but**
- 23 **(2) is eligible for the Indiana Lifeline assistance program**
- 24 **under section 11 of this chapter.**
- 25 **Sec. 6. As used in this chapter, "eligible telecommunications**
- 26 **carrier" refers to an incumbent local exchange carrier that is**
- 27 **designated as an eligible telecommunications carrier by the**
- 28 **commission under 47 CFR 54.201.**
- 29 **Sec. 7. As used in this chapter, "federal Lifeline program" refers**
- 30 **to the retail local service offering:**
- 31 **(1) available only to qualifying low-income consumers (as**
- 32 **defined in 47 CFR 54.400(a));**
- 33 **(2) for which qualifying low-income consumers pay reduced**
- 34 **charges as a result of the application of the Lifeline support**
- 35 **amount described in 47 CFR 54.403; and**
- 36 **(3) that includes the services and functionalities set forth in 47**
- 37 **CFR 54.101(a)(1) through (a)(9);**
- 38 **as described in 47 CFR 54.401.**
- 39 **Sec. 8. As used in this chapter, "participant" refers to an eligible**
- 40 **customer who applies for and receives assistance through the**
- 41 **program.**
- 42 **Sec. 9. As used in this chapter, "program" refers to the Indiana**
- 43 **Lifeline assistance program established by the commission under**
- 44 **section 10 of this chapter.**
- 45 **Sec. 10. (a) Not later than July 1, 2008, the commission shall**
- 46 **adopt rules under IC 4-22-2 to establish the Indiana Lifeline**
- 47 **assistance program. The program shall offer reduced charges for**

1 basic telecommunications service to eligible customers. The rules
 2 adopted by the commission under this section must do the
 3 following:

4 (1) Require an eligible telecommunications carrier to offer toll
 5 limitation (as defined in 47 CFR 54.400(d)) to an eligible
 6 customer who applies for assistance under the program. The
 7 rules must specify that an eligible telecommunications carrier
 8 may not charge a participant an administrative charge or any
 9 other additional amount for toll limitation.

10 (2) Allow an eligible telecommunications carrier to block a
 11 participant's access to interexchange service, except for access
 12 to toll free numbers, if the participant owes an outstanding
 13 amount for basic telecommunications service. The rules must
 14 require an eligible telecommunications carrier to remove the
 15 block without additional cost to the participant upon payment
 16 of the outstanding amount.

17 (3) Prohibit an eligible telecommunications carrier from
 18 discontinuing basic telecommunications service to a
 19 participant because of nonpayment by the participant of
 20 charges for other services billed by the eligible
 21 telecommunications carrier, including interexchange service.

22 (b) The following costs of the program shall be paid from the
 23 telecommunications budgets of the commission and the office of
 24 utility consumer counselor as determined under IC 8-1-6-1:

25 (1) The costs of reimbursing eligible telecommunications
 26 carriers for lost revenues associated with providing reduced
 27 charges for basic telecommunications service to participants.

28 (2) Reasonable expenses incurred by the commission and
 29 eligible telecommunications carriers to:

30 (A) administer the program; and

31 (B) publicize the availability of the program in a manner
 32 reasonably designed to reach eligible customers.

33 (c) The rules adopted by the commission under IC 4-22-2 to
 34 establish the program must:

35 (1) take effect not later than July 1, 2009;

36 (2) be consistent with this chapter.

37 Upon the effective date of the rules adopted by the commission
 38 under this section, an eligible telecommunications carrier shall
 39 offer basic telecommunications service to an eligible customer at
 40 the reduced rates established under the rules.

41 Sec. 11. A customer is eligible to receive reduced rates for basic
 42 telecommunications service under the program if:

43 (1) the customer's income (as defined in 47 CFR 54.400(f))
 44 does not exceed one hundred fifty percent (150%) of the
 45 federal poverty guidelines; or

46 (2) any person in the customer's household receives or has a
 47 child who receives any of the following:

- 1 **(A) Medicaid.**
- 2 **(B) Food stamps.**
- 3 **(C) Supplemental Security Income.**
- 4 **(D) Federal public housing assistance.**
- 5 **(E) Home energy assistance under a program administered**
- 6 **by the division of family resources under IC 12-14-11.**
- 7 **(F) Assistance under the federal Temporary Assistance to**
- 8 **Needy Families (TANF) program (45 CFR 260 et seq.).**
- 9 **(G) Free lunches under the national school lunch program.**
- 10 **Sec. 12. An eligible telecommunications carrier may seek Tier**
- 11 **Three federal Lifeline support under 47 CFR 54.403(a)(3) in**
- 12 **connection with support provided by the eligible**
- 13 **telecommunications carrier under this chapter."**
- 14 Page 92, line 27, delete "'division" refers to the division of" and
- 15 insert "'office" refers to the office of utility consumer counselor
- 16 **created by IC 8-1-1.1-2."**
- 17 Page 92, delete lines 28 through 29.
- 18 Page 93, delete lines 2 through 10.
- 19 Page 93, line 11, delete "(g)" and insert "(f)".
- 20 Page 93, line 12, delete "division" and insert "office".
- 21 Page 93, line 12, delete "2009:" and insert "**2009, take any action**
- 22 **necessary"**.
- 23 Page 93, delete lines 13 through 14.
- 24 Page 93, run in lines 12 through 15.
- 25 Page 93, line 18, delete "(h)" and insert "(g)".
- 26 Re-number all SECTIONS consecutively.
- (Reference is to SB 245 as printed January 12, 2006.)

Senator CRAYCRAFT